



Order Filed on February 23, 2018
by Clerk
U.S. Bankruptcy Court
District of New Jersey

UNITED STATES BANKRUPTCY COURT
DISTRICT OF NEW JERSEY

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In Re:

ROGER V. ASHODIAN,

Debtor.

Chapter 7

Case No. 17-24000 (VFP)

**ORDER RESOLVING OBJECTION TO CHAPTER 13 PLAN,
EXTENDING STAY AND VOIDING SHERIFF'S SALE**

The relief set forth on the following pages numbered two (2) through five (5) is hereby
ORDERED.

DATED: February 23, 2018



Honorable Vincent F. Papalia
United States Bankruptcy Judge

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Caption: ORDER RESOLVING OBJECTION TO CHAPTER 13 PLAN, EXTENDING STAY AND VOIDING SHERIFF'S SALE

THIS MATTER, having been opened to the Court upon the (i) motion of Select Portfolio Servicing Inc. as Servicer for Wells Fargo Bank, National Association ("SPS") seeking to annul the automatic stay; (ii) the oral request of the Debtor to extend the automatic stay; and the (iii) objection of SPS to confirmation of the Debtor's chapter 13 plan, as revised; and the Debtor and SPS having entered into negotiations to resolve the issues related to SPS's claim against the Debtor and his estate; and the Debtor and SPS having agreed to the terms set forth below; and the Court having reviewed the issues raised by each party, and the Court having considered the pleadings and arguments of counsel, and it appearing that the relief set forth herein is fair and reasonable, and for good cause shown; it is

ORDERED AS FOLLOWS:

1. SPS shall have an allowed secured claim in the amount of of \$175,000.00 plus simple interest on the unpaid principal balance of judgment of foreclosure per the attached spreadsheet.

2. SPS shall be paid as follows:

a. \$30,000 shall be paid directly to SPS by the Debtor on or before January 15, 2018, or no later than seven days after entry of the confirmation order, whichever is later; and

b. \$10,000 shall be paid directly to SPS by the Debtor on or before February 15, 2018, or no later than seven days after entry of the confirmation order, whichever is later.

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c. Pre-confirmation payments made to the chapter 13 trustee in the amount of \$5,341.90, leaving a remaining balance of \$130,779.88; and

d. The remaining balance to be paid to the chapter 13 trustee commencing January 11, 2018, for a period of fifty-three (53) months with interest calculated at 6% per annum on unpaid balance of judgment of foreclosure.

e. In the event the Debtor refinances or sells the real property located at 6910 Henley Street, Philadelphia, Pennsylvania, during the term of the chapter 13 plan pursuant to an order of the United States Bankruptcy Court, SPS shall be paid the unpaid balance of the judgment of foreclosure. The unpaid balance shall not include unearned interest on the unpaid principal balance of the judgment of foreclosure.

3. SPS withdraws its objection to confirmation of the Debtor's current Chapter 13 Plan and agrees that it will not object to any further amended versions of the Debtor's Chapter 13 Plan so long as SPS is being treated in the exact same manner as set forth in paragraph 2 above. Any and all claims that SPS may have against the Debtor or his bankruptcy estate are hereby resolved. Any and all claims that that SPS, its successor or assigns may have against the Debtor are waived except as may be necessary to enforce the terms of this Consent Order, its treatment under the Debtor's Chapter 13 Plan or any Foreclosure Action that may occur in State Court if the current bankruptcy case is dismissed for any reason.

4. The sale of the Debtor's property located at 6910 Henley Street, Philadelphia, Pennsylvania which occurred on or about July 11, 2017 was conducted by the Sheriff of the City

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of Philadelphia subsequent to the filing of the Debtor's bankruptcy case. Thus, the sale is null, void and vacated due to the bankruptcy filing and any funds received by the Sheriff of the City of Philadelphia in connection with such sale shall be returned to the purchaser forthwith, and the Deed issued and delivered by the Sheriff of the City of Philadelphia shall be and is hereby stricken from the records by the Philadelphia Department of Records.

5. The Debtor has the sole and exclusive right to commence an action against the Sheriff of the City of Philadelphia to recover fees charged in excess of that allowed under applicable law in connection with any foreclosure sales conducted of the Debtor's real property located at 6910 Henley Street, Philadelphia, Pennsylvania. Any amounts recovered shall be disbursed in the matter set forth in the Chapter 13 Plan

6. The automatic stay be and hereby is further extended for the duration of the case pursuant to 11 U.S.C. § 362(c) *nunc pro tunc* to the Petition Date of July 11, 2017, unless modified by the Court pursuant to the terms of this Consent Order.

7. In the event the Debtor defaults in making the payments under the confirmed Plan, and such default is not cured within thirty (30) days of notice to the Debtor and the Debtor's counsel by SPS or the Trustee, the Debtor's chapter 13 case will be dismissed and SPS shall be granted relief from the automatic stay pursuant to 11 U.S.C. § 362(d) and such relief shall remain in effect in subsequent bankruptcy filings, if any, unless otherwise Ordered by the Court for good cause shown.

8. To the extent the terms of the Debtor's confirmed chapter 13 plan conflict with any term in this Consent Order, the terms of this Consent Order shall govern.

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9. The terms set forth hereunder shall survive in the event the Debtor's case is dismissed or converted.

Month	Year	Number of Days	Judgment Balance	Post-Judgment Interest	Daily Interest	Interest Charge	Trustee Disbursement to SPS	Direct Payments to SPS	Accrued Post-Petition Interest	Total Balance Due to SPS	Additional Payment to Trustee	Total Plan Payment	Accrued Trustee Payments
Start			\$ 115,663.28	\$ 59,336.72						\$ 175,000.00			
July 2017	2017	20	\$ 115,663.28	\$ 59,336.72	\$ -	\$ -	\$ -			\$ 175,000.00	\$ 150.00	\$ 150.00	\$ 150.00
August 2017	2017	31	\$ 115,663.28	\$ 59,336.72	\$ -	\$ -	\$ -			\$ 175,000.00	\$ 150.00	\$ 150.00	\$ 300.00
September 2017	2017	30	\$ 115,663.28	\$ 59,336.72	\$ -	\$ -	\$ -			\$ 171,794.86	\$ 469.86	\$ 3,675.00	\$ 3,975.00
October 2017	2017	31	\$ 115,663.28	\$ 59,336.72	\$ -	\$ -	\$ 3,205.14			\$ 170,726.48	\$ 106.62	\$ 1,175.00	\$ 5,150.00
November 2017	2017	30	\$ 115,663.28	\$ 56,131.58	\$ -	\$ -	\$ 1,068.38			\$ 169,658.10	\$ 106.62	\$ 1,175.00	\$ 6,325.00
December 2017	2017	31	\$ 115,663.28	\$ 55,063.20	\$ -	\$ -	\$ 1,068.38			\$ 170,247.51	\$ 426.00	\$ 426.00	\$ 6,751.00
January 2018	2018	31	\$ 115,663.28	\$ 53,994.82	\$ 19.01	\$ 589.41	\$ -	\$ 40,000.00		\$ 130,779.88	\$ 426.00	\$ 426.00	\$ 7,177.00
February 2018	2018	28	\$ 115,663.28	\$ 54,584.23	\$ 19.01	\$ 532.37	\$ -			\$ 128,559.28	\$ 690.00	\$ 3,500.00	\$ 10,677.00
March 2018	2018	31	\$ 115,663.28	\$ 15,116.60	\$ 19.01	\$ 589.41	\$ 2,810.00			\$ 126,319.68	\$ 690.00	\$ 3,500.00	\$ 14,177.00
April 2018	2018	30	\$ 115,663.28	\$ 12,896.00	\$ 19.01	\$ 570.39	\$ 2,810.00			\$ 124,099.08	\$ 690.00	\$ 3,500.00	\$ 17,677.00
May 2018	2018	31	\$ 115,663.28	\$ 10,656.40	\$ 19.01	\$ 589.41	\$ 2,810.00			\$ 121,859.48	\$ 690.00	\$ 3,500.00	\$ 21,177.00
June 2018	2018	30	\$ 115,663.28	\$ 8,435.80	\$ 19.01	\$ 570.39	\$ 2,810.00			\$ 119,638.89	\$ 690.00	\$ 3,500.00	\$ 24,677.00
July 2018	2018	31	\$ 115,663.28	\$ 6,196.20	\$ 19.01	\$ 589.41	\$ 2,810.00			\$ 117,418.29	\$ 690.00	\$ 3,500.00	\$ 28,177.00
August 2018	2018	31	\$ 115,663.28	\$ 3,975.61	\$ 19.01	\$ 589.41	\$ 2,810.00			\$ 115,178.69	\$ 690.00	\$ 3,500.00	\$ 31,677.00
September 2018	2018	30	\$ 115,663.28	\$ 1,755.01	\$ 18.93	\$ 586.94	\$ 2,810.00			\$ 112,955.63	\$ 690.00	\$ 3,500.00	\$ 35,177.00
October 2018	2018	31	\$ 115,178.69	\$ -	\$ 18.57	\$ 557.04	\$ 2,810.00			\$ 110,702.67	\$ 690.00	\$ 3,500.00	\$ 38,677.00
November 2018	2018	30	\$ 112,955.63	\$ -	\$ 18.20	\$ 564.13	\$ 2,810.00			\$ 108,456.80	\$ 690.00	\$ 3,500.00	\$ 42,177.00
December 2018	2018	31	\$ 110,702.67	\$ -	\$ 17.83	\$ 552.68	\$ 2,810.00			\$ 106,199.48	\$ 690.00	\$ 3,500.00	\$ 45,677.00
January 2019	2019	31	\$ 108,456.80	\$ -	\$ 17.46	\$ 488.81	\$ 2,810.00			\$ 103,878.29	\$ 690.00	\$ 3,500.00	\$ 49,177.00
February 2019	2019	28	\$ 106,199.48	\$ -	\$ 17.08	\$ 529.35	\$ 2,810.00			\$ 101,597.64	\$ 690.00	\$ 3,500.00	\$ 52,677.00
March 2019	2019	31	\$ 103,878.29	\$ -	\$ 16.70	\$ 501.03	\$ 2,810.00			\$ 99,288.67	\$ 690.00	\$ 3,500.00	\$ 56,177.00
April 2019	2019	30	\$ 101,597.64	\$ -	\$ 16.32	\$ 505.96	\$ 2,810.00			\$ 96,984.63	\$ 690.00	\$ 3,500.00	\$ 59,677.00
May 2019	2019	31	\$ 99,288.67	\$ -	\$ 15.94	\$ 478.28	\$ 2,810.00			\$ 94,652.91	\$ 690.00	\$ 3,500.00	\$ 63,177.00
June 2019	2019	30	\$ 96,984.63	\$ -	\$ 15.56	\$ 482.34	\$ 2,810.00			\$ 92,325.26	\$ 690.00	\$ 3,500.00	\$ 66,677.00
July 2019	2019	31	\$ 94,652.91	\$ -	\$ 15.18	\$ 470.48	\$ 2,810.00			\$ 89,985.73	\$ 690.00	\$ 3,500.00	\$ 70,177.00
August 2019	2019	31	\$ 92,325.26	\$ -	\$ 14.79	\$ 443.77	\$ 2,810.00			\$ 87,619.50	\$ 690.00	\$ 3,500.00	\$ 73,677.00
September 2019	2019	30	\$ 89,985.73	\$ -	\$ 14.40	\$ 446.50	\$ 2,810.00			\$ 85,256.00	\$ 690.00	\$ 3,500.00	\$ 77,177.00
October 2019	2019	31	\$ 87,619.50	\$ -	\$ 14.01	\$ 420.44	\$ 2,810.00			\$ 82,866.44	\$ 690.00	\$ 3,500.00	\$ 80,677.00
November 2019	2019	30	\$ 85,256.00	\$ -	\$ 13.62	\$ 422.28	\$ 2,810.00			\$ 80,478.72	\$ 690.00	\$ 3,500.00	\$ 84,177.00
December 2019	2019	31	\$ 82,866.44	\$ -	\$ 13.19	\$ 408.99	\$ 2,810.00			\$ 78,077.71	\$ 690.00	\$ 3,500.00	\$ 87,677.00
January 2020	2020	31	\$ 80,478.72	\$ -	\$ 12.80	\$ 371.19	\$ 2,810.00			\$ 75,638.90	\$ 690.00	\$ 3,500.00	\$ 91,177.00
February 2020	2020	29	\$ 78,077.71	\$ -	\$ 12.40	\$ 384.39	\$ 2,810.00			\$ 73,213.29	\$ 690.00	\$ 3,500.00	\$ 94,677.00
March 2020	2020	31	\$ 75,638.90	\$ -	\$ 12.00	\$ 360.07	\$ 2,810.00			\$ 70,763.36	\$ 690.00	\$ 3,500.00	\$ 98,177.00
April 2020	2020	30	\$ 73,213.29	\$ -	\$ 11.60	\$ 359.62	\$ 2,810.00			\$ 68,312.97	\$ 690.00	\$ 3,500.00	\$ 101,677.00
May 2020	2020	31	\$ 70,763.36	\$ -	\$ 11.20	\$ 335.97	\$ 2,810.00			\$ 65,838.94	\$ 690.00	\$ 3,500.00	\$ 105,177.00
June 2020	2020	30	\$ 68,312.97	\$ -	\$ 10.79	\$ 334.59	\$ 2,810.00			\$ 63,363.53	\$ 690.00	\$ 3,500.00	\$ 108,677.00
July 2020	2020	31	\$ 65,838.94	\$ -	\$ 10.39	\$ 322.01	\$ 2,810.00			\$ 60,875.54	\$ 690.00	\$ 3,500.00	\$ 112,177.00
August 2020	2020	31	\$ 63,363.53	\$ -	\$ 9.98	\$ 299.39	\$ 2,810.00			\$ 58,364.93	\$ 690.00	\$ 3,500.00	\$ 115,677.00
September 2020	2020	30	\$ 60,875.54	\$ -	\$ 9.57	\$ 296.61	\$ 2,810.00			\$ 55,851.54	\$ 690.00	\$ 3,500.00	\$ 119,177.00
October 2020	2020	31	\$ 58,364.93	\$ -	\$ 9.16	\$ 274.68	\$ 2,810.00			\$ 53,316.22	\$ 690.00	\$ 3,500.00	\$ 122,677.00
November 2020	2020	30	\$ 55,851.54	\$ -	\$ 8.74	\$ 270.95	\$ 2,810.00			\$ 50,777.17	\$ 690.00	\$ 3,500.00	\$ 126,177.00
December 2020	2020	31	\$ 53,316.22	\$ -	\$ 8.35	\$ 258.75	\$ 2,810.00			\$ 48,225.93	\$ 690.00	\$ 3,500.00	\$ 129,677.00
January 2021	2021	31	\$ 50,777.17	\$ -	\$ 7.93	\$ 221.97	\$ 2,810.00			\$ 45,637.90	\$ 690.00	\$ 3,500.00	\$ 133,177.00
February 2021	2021	28	\$ 48,225.93	\$ -			\$ 2,810.00						

March	2021	31	\$	45,637.90	\$	-	\$	7.50	\$	232.57	\$	2,810.00	\$	-	\$	43,060.46	\$	690.00	\$	3,500.00	\$	136,677.00			
April	2021	30	\$	43,060.46	\$	-	\$	7.08	\$	212.35	\$	2,810.00	\$	-	\$	40,462.82	\$	690.00	\$	3,500.00	\$	140,177.00			
May	2021	31	\$	40,462.82	\$	-	\$	6.65	\$	206.19	\$	2,810.00	\$	-	\$	37,859.01	\$	690.00	\$	3,500.00	\$	143,677.00			
June	2021	30	\$	37,859.01	\$	-	\$	6.22	\$	186.70	\$	2,810.00	\$	-	\$	35,235.71	\$	690.00	\$	3,500.00	\$	147,177.00			
July	2021	31	\$	35,235.71	\$	-	\$	5.79	\$	179.56	\$	2,810.00	\$	-	\$	32,605.27	\$	690.00	\$	3,500.00	\$	150,677.00			
August	2021	31	\$	32,605.27	\$	-	\$	5.36	\$	166.15	\$	2,810.00	\$	-	\$	29,961.42	\$	690.00	\$	3,500.00	\$	154,177.00			
September	2021	30	\$	29,961.42	\$	-	\$	4.93	\$	147.75	\$	2,810.00	\$	-	\$	27,299.18	\$	690.00	\$	3,500.00	\$	157,677.00			
October	2021	31	\$	27,299.18	\$	-	\$	4.49	\$	139.11	\$	2,810.00	\$	-	\$	24,628.29	\$	690.00	\$	3,500.00	\$	161,177.00			
November	2021	30	\$	24,628.29	\$	-	\$	4.05	\$	121.45	\$	2,810.00	\$	-	\$	21,939.74	\$	690.00	\$	3,500.00	\$	164,677.00			
December	2021	31	\$	21,939.74	\$	-	\$	3.61	\$	111.80	\$	2,810.00	\$	-	\$	19,241.55	\$	690.00	\$	3,500.00	\$	168,177.00			
January	2022	31	\$	19,241.55	\$	-	\$	3.16	\$	98.05	\$	2,810.00	\$	-	\$	16,529.60	\$	690.00	\$	3,500.00	\$	171,677.00			
February	2022	28	\$	16,529.60	\$	-	\$	2.72	\$	76.08	\$	2,810.00	\$	-	\$	13,795.68	\$	690.00	\$	3,500.00	\$	175,177.00			
March	2022	31	\$	13,795.68	\$	-	\$	2.27	\$	70.30	\$	2,810.00	\$	-	\$	11,055.98	\$	690.00	\$	3,500.00	\$	178,677.00			
April	2022	30	\$	11,055.98	\$	-	\$	1.82	\$	54.52	\$	2,810.00	\$	-	\$	8,300.51	\$	690.00	\$	3,500.00	\$	182,177.00			
May	2022	31	\$	8,300.51	\$	-	\$	1.36	\$	42.30	\$	2,810.00	\$	-	\$	5,532.80	\$	690.00	\$	3,500.00	\$	185,677.00			
June	2022	30	\$	5,532.80	\$	-	\$	0.91	\$	27.29	\$	2,810.00	\$	-	\$	2,750.09	\$	690.00	\$	3,500.00	\$	189,177.00			
July	2022	31	\$	2,750.09	\$	-	\$	0.45	\$	14.01	\$	2,764.10	\$	-	\$	0.00	\$	735.90	\$	3,500.00	\$	192,677.00			
Totals													\$	154,226.00	\$	40,000.00									
Total Payment to SPS/Wells Fargo													\$	154,226.00											
													\$	194,226.00											